

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF VIRGINIA  
ROANOKE DIVISION

FEB 18 2009

JOHN F. CONCORAN, CLERK  
BY: *J. F. Concoran*  
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KENNETH BROWN, )  
Plaintiff, ) Civil Action No. 7:07CV00282  
v. )  
ORDER  
VIRGINIA DEPARTMENT OF )  
TRANSPORTATION, ) By: Hon. Glen E. Conrad  
Defendant. ) United States District Judge

For the reasons set forth in the accompanying Memorandum Opinion, it is hereby

## ORDERED

that the defendant's motion for summary judgment shall be and hereby is GRANTED. This action shall be and hereby is STRICKEN from the active docket of the court.

The Clerk is hereby directed to send copies of this Order to the plaintiff and all counsel of record.

ENTER: This 18<sup>th</sup> day of February, 2009.

Mark Casas  
United States District Judge